Two Tribal Law Cases (Documents)
(Wāḥidī Sultanate, South-West Arabia)

By R. B. SERJEANT

DURING a year in Ḥaḍramawt I was able to collect a number of legal documents which contain valuable material for a study of the social structure of the country. Amongst these are two groups of deeds relating to the Ḥawṭahs of al-Ḥāwī and Thibī, typical examples of the sacred enclaves of this part of Arabia. Another set of documents defines the rights of the townsmen of the Sūḳ quarter of Tarīm, with some references to the ceremonies connected with hunting the ibex, and I have various other documents relating to tribal cases, a house-sale deed, etc.

The cases which concern us at present are written in a mixture of colloquial and classical Arabic, conventional in form and difficult to interpret. The law upon which they are based is not sharī'ah, but tribal custom ('ādah), and there are references to usages which must be pre-Islamic but flourish still to-day. Apart from the importance of such material for constructing a picture of contemporary Arabian society, documents such as these may assist in the interpretation of the language and content of pre-Islamic inscriptions. They are a sample of material abundant in tribal areas but, of course, they are typical of a more primitive form of civilization than that of the Yemen and Ḥaḍramawt.[1]

The Wāḥidī Tribes and their Country

For detailed information on the Wāḥidī Sultanate, with accurate lists and descriptions of tribes and excellent geographical information, mostly not so far utilized by cartographers, C. von Landberg's *Arabica V* (Leiden, 1898), pp. 177–234, Pays des Wâḥidi, is invaluable. The best map of the area is H. Von Wissmann's new draft map of the Aden Protectorate, at present in MS. at the Royal Geographical Society. Use has been made of the Political Notebook for the district, where more recent events are concerned, but tribal and geographical data therein must be checked by *Arabica V*.[2]

[1] For the Yemen, see E. Rossi, Il diritto consuetudinario delle tribù arabe del Yemen, *Rivista degli Studi Orientali* (Roma, 1948), xxiii, 36 pp.

[2] Several travellers have described Wāḥidī country. A small literature exists on the Vienna Expedition at the beginning of the century. C. von Landberg's Die Hunde von 'Azzān und ihre Bestrafung durch die Engländer, *Eine Errinerung an die Südarabische Expedition* (München, 1903), might be consulted. For photographs, Freya Stark's books are useful.

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Landberg's analysis absolves me from describing at length the social structure of the territory. Class divisions, in more or less descending order, include saiyids (with no temporal power), sultans, mashā'ikh, two sanctuary-khādims—a very ancient class—and the tribesmen. Below the fully honourable status come soldiers of the Sultan (usually, if engaged in trading, but not if acting as soldiers), ra'īyah, ḥawīk (weavers), ṣubyān, slaves, and outside this Islamic society the ancient but alien element of the Jews. The ra'īyah are sub-divided into various types, tradesmen, artisans, labourers, and even some rich merchants and camel-owners.

At Aṣba'ūn, in the Wādī Maifa'ah, about an hour's journey on foot from the pre-Islamic city of Naḳab al-Hadjar, the Wāḥidī sultanate has an administrative centre, under the qaim, Muḥammad bin Sa'īd al-Wāḥidī, from whom these cases were obtained. With his aid, that of the assistant political officer, Muṣṭafā Rif'at, and any Bā 'Awḍah tribesmen present, they were explained.

We are here concerned with two different tribal confederations, firstly in the land case, the Bā Rashaid section of Bā Baḥar, of the Nu'mān confederation. The Bā Rashaid have their tribal centre at Raidat Āl Rashaid, a little to the north and east of Aṣba'ūn, and live in the villages of Al-Salāmah, Ḥuṣn al-'Uṭair, Raḥṭān, al-Ḳurain, and Thafar. The Bā Baḥar is an ancient tribe, mentioned in Hamdānī's *Djazīrat al-'Arab*, etc. The other tribe in the case of the run-away wife, is the Bā 'Awḍah, of the Āl Dhiyaib branch of Ḥimyar. I have talked with most of the individuals whose names occur in the texts. Few can write more than their names at best, yet the documents abound in formulæ and technical terms, some of which one occasionally sees in ancient Arabic poetry.

Procedure

Each case has its fixed conventional procedure. In the reports of the qaim of Maifa'ah, we find the sās or ordering of procedure, the da'wā, plaint or accusation, the taḳwā or defence and reply, and the ḥukm, judgment, all set forth, though in the first instance, the land case, the ḥukm is not given, as it was *sub judice* at my visit.[1]

According to my informants there are three types of ḥukm.

[1] The term sās (asās) seems to be used in Iraq, though its actual technical application may vary a little from that in Wāḥidī territory. See Farīḳ al-Muzhir, *Al-Ḳaḍā' al-'Ashā'irī*, edited with notes by Nūrī Shams al-Dīn (Baghdad, 1941), pp. 23 and 135.

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There is that which is called riḍā, agreement or consent, ḳaḍā, the decision of a judge according to the merits of a case, and ṣalāḥ or iṣlāḥ, settling out of court, or without going to court. When a case comes before the tribal judges, a meeting usually takes place in the room of a dār, and the case is conducted, often amidst much heated argument. I have seen such cases in Wāḥidī territory, and also remember vividly one held at my camp at Am-Fadjarah, in Ṣubaiḥī country, in 1940, attended by representatives of both contending tribes, with the hostages they had given in earnest of their intention of proceeding to court, the latter in fetters.

The Land Dispute

Two sections each claim certain rights over land in the Wādī Maifa'ah. The matter is brought before the qaim of Maifa'ah, the procedure agreed and witnessed. The plaint is made and the defence is set out.

نَقْل من الدَّعَاوِى الّذى تَصْدُر فى مَحْكَمَةْ مَيْفَعَه من البادِيَه

الأكرام

(١) وِثْر حَقّ السّاس

حضر عندى فى محكمة ميفعه العاقل على بن حَمَدْ بن لَعْجَمْ وقبيلته هل رَّشَيْد، وكذلك العاقل على بن سالم بن حمد وقبيلته هَلْ على بن حَمَدْ هل رَّشَيْد، وقدّموا محبوسين من الفريقَيْن بيد قايم ميفعه محمّد بن سَعيد الوَاحِدِى لبعضهم البعض فى ما طالبوا فيه فى حقايق الأطيان وتجادِيرها وغَلَلها وفى حدود الطّين ونهب وعَشَرَهْ وتوقيف، كُلَّيْن هَرْجَه له ولسانه له وساسه له بُلْغَ الطُّرُق، مُخَلَّف الدّم وشَايِم ولَايِم. هذا براس

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الحكومه تُقدِّمه أو تُوَخِّره الى وقت ثانى صار بالقُنْع والرِّضا بين المذاكير ، وكلّن منهم حَميل ورَديم على قبيلته . وعلى القائم ان يختار لنا حُكَّام من روس عُقَّال القبايل فى قواعد البلاد وسوالفها وسَوَاسها ، وكلّ رُكْبَه يُنْكِرها الحكَمَ هى معذوفه ما لها قُبُول من الجانبَيْن ، وكلّ من جَاه فصل ولا تقبّله يتقبله العَدَلِى ، وهو يقطع الغريم ومَن صابه صَوْب ولا بَدَّاه فهو المربوع فى رجل محبوسه ومن ما قابل على وَعْدُه ، وخذ واُنطا عند الحُكَّام كلّ ما اِدَّعَوْه ايّاه واضح وما هو له ماضح .

وذلك بحَضْرة اُلَاُشْهَاد ، المَنْصَب الشيخ عبد اللّه بن محمّد بَا قَادِر والعاقل حسين بن عمر با عَوْضَه ، والعاقل على بن عَوَض بن لَكْرَشْ با عَوْضَه ، والعاقل على بن حَمَد بن عوض بن ذِيَيْب با عَوْضَه .

(٢) دَعْوَى

دعوى عَلِى بن احمد بن لَعْجَمْ بن رشيد وقبيلته . ادَّعَا باللّه وعندكم يا لَحْكَام أَنَّ لى مال فى ساقِيَة النُّويْجِع والْبِزَيْعَلَه بالعَطْف وأنّه سرح عليه وغلب عليه ومنع وكيلى وقفَا على حقيقتى وله سنين عديده ويا من بعد ما قفا علا مالى إنّه جاب

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لى عَشْرَهَ وحمَّلنى اثنين قتول . وَاُصِيبَه وَاُلْزَمه من عند الله وعندكم يَاُلَحْكَام بيوش مالى وغَلَلى . وعِنِّى وَاُتْعِبْنِى بشُهُودى وَاُصِيبه بِاُلَحْمَال الثّقيله والعُبَر الجايره من عند الله وعندكم يا اُلَحْكَام .

(٣) تَقْوَى

اِتَّقَا عَلِى بن سالم بِن رَّشَيْد. عندُ الله وعندكم يا اُلَحْكَام أن ساقِيَة النُّوَيْجِع والبِزَيْعَلَه بين هل رَّشَيْد، وكُلَّيْن سارح يتَعَصَّم من تحت يدّى حِصَّته بعوايد حَرْث مَيْفَعَه وأنّ على بن أحمد بن لَعْجَمْ وقبيلته غَلَبَوْا يتعصّمون جَيْز القُسوم وأنّهم يَبَوْن يرسمون عَلَىّ عاده ثانِيَه ، وأنّهم جَوْنِى حَرَّابه ضَرَّابه إلى مَطْرَحِى ، ويا من عَثَر إن عَثْرَتَه فى ظَهْرَه ؛ ويحمانى الله ، لا غلبت عَلَا عَاصِمَة مثل هل رَّشَيْد ، ولا يلَزّمَنِى حاكم بالجَوْر والبُهْتان . وقدنى عند الله وعندكم يا اُلَحْكَام .

Copy of the cases which appear at the court of Maifa'ah from the honourable tribes.

(1) *A Document of Procedure*

The headman (ʿāḳil) 'Alī bin Ḥamad bin La'djam (1) and his tribe, the Ahl Rashaid (2), attended the court of Maifa'ah before me, and so also the headman 'Alī bin Sālim bin Ḥamad and his tribe the Ahl 'Alī bin Ḥamad Ahl Rashaid. They delivered over hostages from (each of) the two (contending) parties into the hands of the

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qaim (3) of Maifa'ah, Muḥammad bin Sa'īd al-Wāḥidī (4), as a guarantee of one (tribe) to the other in the matter of the claims they maintain regarding the rights to cultivated lands, the imposition of a ban (5) thereon, the crops therein, and concerning the boundaries of the cultivated land, theft, provocation of quarrels, and forcible stoppage of cultivation (6). Each (tribe) has its (right of raising) a plea, of pleading its (case), and of having its procedure detailed, from beginning to end; apart from matters involving blood (7), and that which touches a man's honour (8). The latter rests with the Government (9) to decide whether to bring forward the matter, or postpone it to a later occasion.

(The afore-going) was agreed to the satisfaction and consent of the afore-mentioned (contracting) parties, and each of them is a responsible guarantor on behalf of his tribe. It is the duty of the qaim to choose judges for us from amongst the principal headmen of the tribes, in accordance with the laws, precedents, and customary procedure of the land (10). Any unfounded claim (or petition) which the judge disallows is (thereby) rejected, and shall find no acceptance from either party (of the two tribes). (In the case of) any party who has a decision preferred against him, but will not accept it, the pledge-holder will, notwithstanding, accept it, and he will pay the (successful) party to the suit (11). Whosoever has a sentence passed against him, but does not make settlement of it, must pay the (fine) four-fold before his hostage can be released (12). Whosoever has not presented himself in accordance with his promise (or appointment), nor made his plea and defended himself before the judges, all that they (his opponents) have preferred against him is valid, and not null and void.

This (took place) in the presence of the witnesses, the Manṣab the Shaikh 'Abdullāh bin Muḥammad Bā Ḳādir (13), the headman Ḥusain bin 'Umar Bā 'Awḍah, the headman 'Alī bin 'Awaḍ bin Lakrash, and the headman 'Alī bin Ḥamad bin 'Awaḍ bin Dhiyaib Bā 'Awḍah (14).

(2) *A Plaint*

The plaint of 'Alī bin Aḥmad bin La'djam bin Rashaid and his tribe.

He brings a plaint before (15) God, and you, oh judges, that I (16) have property in the water-channel of al-Nuwaidji' and al-Bizai'alah, in the Bend (17) (of the Wādī Maifa'ah), and that he (18) went out to

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work in it, and took it over, and would not allow my agent (access to it), but disregarded my right, and has been doing so for a number of years. Then, subsequent to his disregarding my property, he picked a quarrel with me, and made me responsible for committing two murders. I therefore attaint him, and lay on him the responsibility, before God, and before you, oh judges, of plundering my property and my crops. So help me (19) and trouble me (to produce) my witnesses. For I attaint him (with the responsibility for) heavy burdens, and grievous troubles, before God, and before you, oh judges.

(3) *A Defence*

' Alī bin Sālim bin Rashaid (20) declares in his defence :—

Before God, and before you, oh judges, that the water-channel (21) of al-Nuwaidji' and al-Bizai'alah is (common property) amongst the Āl Rashaid, and each is eligible to receive his share from my hand, his portion being in accordance with the customs of cultivation at Maifa'ah, and that 'Alī bin Aḥmad bin La'djam and his tribe refused to take their shares like the (other) share-holders, but wished to prescribe another custom for me, and that they came to my place with hostile intent. Now, whosoever picks a quarrel, the (responsibility for) the trouble (resulting), falls on his own head, and, God protect me, I have not withheld his share (which is) the same as (that of) the Āl Rashaid. Nor will any judge hold me culpable of injustice or false accusations. I am before God, and before you, oh judges.

NOTES.

(1) La'djam, i.e. al-A'djam, a not uncommon name amongst the Aden Protectorate tribes.

(2) Pronounced Harrashaid.

(3) The placing of hostages in the hands of a third party, in earnest of the sincerity of both contending parties' intention of submitting their case to arbitration, is ordinary procedure in Arabia.

(4) Muḥammad bin Sa'īd al-Wāḥidī is a member of the Wāḥidī family which provides the Sultan for that group of tribal elements known as the Wāḥidī confederation.

A sultan (dawlah) in Southern Arabia is never an absolute monarch, or even a king in the ordinary sense, but stands rather in the position of hereditary mediator between a group of tribes associated together in a sort of large confederation ; he acts too,

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as their leader in matters arising between the confederation and the outside world. I suspect that the sultanate is really a development from the offices of ʿāḳil and ḥakam, which are themselves often hereditary. Sultans are probably of tribal stock, and those closely related to the ruling member of the family are respected, though not reverenced and feared like the Mashāʾikh. The poorer sultans, as a rule, enjoy but little consideration, and during our tour of Wāḥidī territory I met one sultan (of whom there are a great many as all their descendants are known by this title), a penniless beggar. This person arrived uninvited at every meal given by local men of influence in honour of Sultan Nāṣir, and would stuff pieces of meat left over into the leather bag he wore slung over his shoulder, taking them away to consume at leisure.

Some assert that the Wāḥidīs are of Turkish descent. Descent is also claimed from the Ḳuraish and from Ḥimyar, but whatever the case may be the Aden Protectorate sultans are physically indistinguishable from their tribesmen. I was told that the ancestor of the Wāḥidīs, by name ʿAbd al-Wāḥid, was an Ottoman Turk, a qaim of the Ottomans probably, about the time of the famous Ḥaḍramī sultan, Badr Bū Ṭuwairiḳ b. ʿAbdullāh b. Djaʿfar al-Kathīrī. The Faḍlī, I was told at ʿAzzān, is also Ottoman, and so is Sultan ʿAidarūs bin ʿAfīf al-Yāfiʿī; elsewhere I have heard it said that the ʿAwdhalī Sultan is of Turkish descent. A passage from the history of Bal-Faḳīh al-Shiḥrī described in "Materials for South Arabian History I", *Bulletin of the School of Oriental and African Studies* (1949), gives some credibility to the assertion that the ancestor of the Wāḥidīs flourished about this time. In the year 955 H. (1548 A.D.) the Sultan Badr went from Shiḥr to Ḥaḍramawt. After spending the ʿĪd al-Fiṭr in Saiwūn, he "set out for Shabwah", then, says the author:—

"There came to him Ibn ʿAbd al-Wāḥid, the Lord of Ḥabbān, to Shabwah, and asked him to go with him against certain enemies of his (i.e. Ibn ʿAbd al-Wāḥid's enemies) there, such as Bā Ḳab, the Lord of Yashbum, and Ibn Siddah. So the sultan (Badr) set out with him at the head of his troops, and he (Ibn ʿAbd al-Wāḥid) brought him up to the citadel (of Ḥabbān). Now, when Bā Ḳab heard, he fled to the mountains, but Ibn Siddah sent the faḳīh ʿAbdullāh Bā Makhramah (to him) with horses and breast-plates, and he (Badr) accepted (them) from him, and left him as he was in

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his land. Bā Ḳab made peace with the sultan (Badr) in return for a (present of) breast-plates and money, but later did not pay what he had promised in full. So the sultan sent his soldiers to Yashbum, and they plundered and burnt it. Then the sultan returned to Shabwah."

وصله ابن عبد الواحد صاحب حَبَّان إلى شَبْوَه وطلبه المسير معه إلى خصوم له هناك مثل با قَب صاحب يَشْبُم وابن سِدّه فعزم معه السّلطان بجنده وطلعه المصنَعَه فلمّا علم بَا قَب شرد إلى الجبال وأمّا ابن سِدّه فأرسل الفقيه عبد اللّه با مَخْرَمَه بخَيْل ودروع فقبل منه وتركه على حاله فى بلده وبا قب اصطلح هو والسّلطان على دروع ومال ثمّ لم يفِى (sic) بما ضمنه فجهّز السّلطان عسكره إلى يَشْبُم فنهبوها وأحرقوها ثمّ رجع السّلطان إلى شبوه .

From this it seems the son of the founder of the dynasty was alive in 955 H. According to the political notebook he was named 'Abdullāh bin 'Abd al-Wāḥid and died in 998 H. (1589–1590 A.D.). We have evidence then that the dynasty was established in the first half of the tenth century H. I noticed on several occasions that members of the Wāḥidī family were addressed by others as Yā 'Abd al-Wāḥid, notwithstanding that their names were known to the speakers.

(5) For the process of imposition and removal of a ban, see C. Snouck Hurgronje, " L'Interdit Séculier (Rifgèh) en H'adhramôt," *Revue Africaine* (Alger, 1905), no. 256. Al-Fawā'id al-Sanīyah, f. 28*b* seq., notes a Sultan of Tarīm as interdicting a man from irrigating his fields till nearly ruined at the time the corn was in the ear. The man's prayer, however, brought a flood which saved the crop.

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(6) Forcible stoppage of cultivation may be occasioned by a shot in the air, or at persons on their way to cultivate their fields accompanied by their animals, etc., or by firing at a man's servants or cultivators, or by taking his animals while he is looking.

I recall an incident in the Maifa'ah area when a tribesman stabbed someone's cows in the stomach, killing them. This strange act might perhaps be another method of forcible stoppage of cultivation.

(7) By blood, murder is meant, and perhaps also wounding, the latter being mentioned as a matter for the sultan's judgment in the 'Awdhalī tribal code.

(8) This phrase is common in Ḥaḍrami documents. In Ḥaḍramawt it has come to be applied to the levy made on the date-crop by tribesmen for their forcible protection of the crop from others. Here, however, it would seem to apply simply to matters which touch a man's honour, " that which shames and blames," and is used thus in its original sense. Into this category would enter presumably any dispute relating to a woman, or an attack on a protected person, etc.

(9) By " Government ", I presume the Wāḥidī Government is intended.

(10) It will be noticed that the qaim does not himself judge cases but makes the necessary arrangements for the normal processes of tribal law to come into operation.

(11) The pledge-holder ('adalī) may be a different individual from the judge (ḥakam), or they may sometimes be the same person. In this case, the qaim of Maifa'ah happened to be the pledge-holder. The sense seems to be that if one party, i.e. the losing party, rejects the decision of the judge, the pledge-holder will, at any rate, return the pledge of the successful party at the trial. The Aḥkām al-Man'ah (see following note), however, declares (fol. 66*b*) : " If two men are in dispute for some reason, and each of them delivers a pledge to an Amīr, or to a judge (ḥākim), or to the Ḳāḍī, and the two go to law (taḥākam), and judgement is given (wadjab al-ḥaḳḳ) against one of them, the pledge of him against whom judgement is given is withheld (lazima) until he acquits himself (takharradj) of what he owes, and if he (the pledge-holder must be intended) delivers it, the (damages awarded by the) judgement fall upon the man who delivers (the pledge), except if the person in whose favour judgement has been made (ṣāḥib al-ḥaḳḳ) permits him to deliver (it)."

(12) That is to say the hostages handed over before the opening

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of the trial. In the Kitāb al-Ādāb wa-'l-Lawāzim fī Aḥkām al-Man'ah of Aḥmad b. Yaḥyā al-Faḍl (740 H.) which I found in Tarīm, and which is described in " Materials for South Arabian History II ", *Bulletin of the School of Oriental and African Studies* (1950), much space is given to the definition of penalties for each offence or crime. These fines can be halved, doubled, quadrupled, or even charged eight times, according to the gravity of the circumstance.

(13) Shaikh 'Abdullāh is the manṣab of Ṣa'īd, my host for three days, a man of honesty and sterling character. He is known as Mawlā Ṣa'īd. Shaikh 'Abdullāh had, in his youth, run convoys of supplies through the Turkish lines to the British in Aden, and his son is a dresser in the Aden Government Guards. For a note on the manṣabate, see the appendix to the second part of this article.

(14) 'Alī bin Ḥamad of 'Azzān, a poet of the Bā 'Awḍah, one of our companions *de route*. He would compose, smoking a rishbah, and I have a long poem of his, on the twenty-eight stars of the agricultural year, in basīṭ metre. A curious feature of this case is that all the witnesses whose names figure at the end of this sās belong to the Bā 'Awḍah, although it is evidently concerned with the Bā Rashaid only, belonging to a different confederation. The one exception is the manṣab, who belongs to neither, but is of a Mashā'ikh family, and whose name would figure on all kinds of documents.

(15) The preposition might be rendered either " at God ", or " by God ". The phrase is reminiscent of naḥnu bi-'llāh thumma bika, We put out trust in God, then in thee, quoted by W. Wright, *Arabic Grammar* (Cambridge, 1933), ii, p. 163. Cf. A. Musil, *Manners and Customs of the Rwala Bedouins* (New York, 1928), 490, " tarâna blawbak (billâh w-bak) 'an flân." Behold we ask Allah and thee to protect us from so and so.

(16) Note the change of pronoun from " he " to " I ", both of course referring to 'Alī bin Aḥmad.

(17) Al-'Aṭf, used as a proper name, lying south of 'Azzān, running from it to Naḳab al-Hadjar and thence south. The region has at one time been heavily cultivated, and the old naḳab or channel of pre-Islamic times is still used ; it is a cut through a ridge west of the ruined city known as Naḳab al-Hadjar (lit. the cutting of al-Hadjar, the town).

(18) The pronoun must refer to 'Alī bin Sālim bin Rashaid of document 3.

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(19) Help me to obtain justice by asking me to produce my witnesses, who will show that I am in the right.

(20) Pronounced Birrashaid. Landberg gives Rishaid.

(21) I suspect that the word sāḳiyah (water-channel) is here employed like bīr (well) in Ḥaḍramawt, to indicate not the channel or well itself, but the lands irrigated by it.

Glossary to the Text

N.B.—Gl. Dath. is C. von Landberg, *Glossaire Datînois* (Leiden, 1920–1942).

وِثْر pl. وُثور. I also heard a variant وَثِيرَه. Syn. وثيقة. Used also in Wādī Ḥaḍramawt. *A written deed or document.*

سَاس pl. أَسْوَاس, whence, no doubt, سَوَاس. *Legal procedure, the analysis and arrangement of various charges contained in a single plaint.* One says: طرحت لك ساس *I have set forth the procedure for trial before you* (which must be agreed to, if the two parties are going to stand trial). مى ساس عليه *I have a right, or custom, against him.*

عاقل *Headman.* Gl. Dath., etc.

تجدير pl. تجادير. Syn. of جدّر in this sense, جَدَّب. *The act of imposing a ban on fields, or preventing by some forcible means or threat of force, their cultivation in any way.* It seems derived from جدّر in the sense of, *to wall, enclose with a wall.*

عَثْرَه *Dispute, quarrel.* Gl. Dath. 2266. Cf. Lane, لا تَبْدَأْهم بِالْعَثْرَة which he renders, *Begin not ye with them by war.* It seems to be a technical term for "*an incident*", and I have recorded it in the 'Awdhalī tribal code also. In doc. 2, *a cause of trouble.*

تَوْقِيف *Interdiction, stopping by force.* The usage is explained in the notes to the translation.

هَزْج Gl. Dath. *Conversation, Gespräch, Rede.* Syns. given by Wāḥidīs دَعْوَه plaint, كلام. See Landberg, *Festgabe* (Leiden, 1909), p. 28 f., 'Ārif al-'Arīf, op. cit., Glossary, p. 41.

بُلْغ الطُّرُق The sense of this phrase is obviously *to the limit of the roads*, but I cannot explain the form of بُلْغ unless it be a pl. of بالغ.

مُخَلَّف *Except, with the exception of.*

شَايِم This word is always used in the common phrase here شَايِم ولَايِم. Cf. the classical شَأَمَ على *to draw ill-luck, evil fortune on.* Ṭāhir

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b. al-Ḥusain al-'Alawī in his Maḳāmah fī Ahl al-Shirāḥah, says, hādhihi 's-sanah al-Kharīf illā shawm *This year the date-crop is a very little only.* شوم is said to mean شتم *a disgrace, insult.*

لايم One says, لوم عليك *a shame on you*, to a person, for instance, who is mean with a guest, or in any way infringes the canons of honourable conduct. Cf. Gl. Dath. لوم for allied senses. The jingle شايم ولايم means *anything that touches a man's honour*, and probably from that, *anything which it is his duty to protect.* Thence, no doubt, the term is commonly applied to shirāḥah, the protection of date-palms against a fee, so that شايم ولايم comes to have the sense of one's *rights over palm-plantations*, a tangible asset which could be bought and sold, in the Wādī Ḥaḍramawt at least, up to the British protectorate.

رَدِيم Syn. of حيل وردِيم is ضامن, *guarantor*, though حيل can also mean *a supporter.* Gl. Dath. ردم *couvrir, boucher.*

حَكَم pl. احكام. Syn. حاكم pl. حُكّام *a tribal judge.*

سالف pl. سوالف. *Precedent, custom.*

رُكَبَه *Unfounded claim, baseless petition.* Cf. Gl. Dath. ركب مجانه *he pretends to be mad*, etc.

معذوفه *Refused, rejected.*

عَدَلِى *One who holds hostages or pledges, deposited by parties in earnest of their intention to procede to arbitration.* The *pledge* is عَدَل pl. عُدُول. Lane says: "The saying originally relating to the bloodwit (al-diyah), one says, لم يقبلوا منهم صَرْفًا ولا عَدْلًا *They did not accept from them a bloodwit, nor did they slay one man for him, of their people who had been slain.*" Here عَدْل is said to mean *slaying a man for a man*, and صَرْف *the taking of a bloodwit.* See H. Klein, *Kapitel xxxiii der . . . Kašf al-Ġumma* (Hamburg, 1938), p. 25, where perhaps the word عدول should be understood in this sense.

قطع Gl. Dath. *décider le prix, payer.* My informants rendered the phrase, *acting on behalf of the man in whose favour the decision has been made.*

غريم pl. غُرَمَان. Here rendered as, *one of the two contending parties*, in this case the winning party. Lane says, *one upon whom lies the*

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obligation of a bloodwit or the like, adversary in contention, litigant. It also seems to mean *responsible*, perhaps from the sense of *to pay.*

صَوْب Syn. حُكْم. *judgment, decision.*

بَدَا *Pay, clear, settle,* Gl. Dath. *payer une dette.* One says, بَدِّى دَيْنَك *Pay your debt.*

مربوع *Fourfold.*

رجل This is a conventional phrase, used also in the 'Awdhalī tribal code. A hostage's legs are shackled.

قابل Syn. حضر.

انطا *To give.* Gl. Dath. The phrase (ا)خذ وانطا here means *made his plea and defended himself.* Cf. F. Krenkow, *The Grant of Land by Muḥammad to Tamīm al-Dārī*, Islamica (Leipzig, 1925), i, 530.

وَاضِح *Valid.*

مَاضِح *Null and void.* Cf. Lane مضح عِرْضَهُ *impute, accuse of a vice or fault, disgrace, dishonour.*

لَكْرَش i.e. الاكرش *The one whose* كِرْش *(ventricule) stands out,* i.e. *a fat man.*

إِدَّعَا Gl. Dath. *prétendre, soutenir.* One says, إِدَّعَا فلان *So and so brought a plaint or accusation.* Cf. اتقى below. دَعْوَى *a plaint, accusation.*

سَانِيَه *Water-channel.* Gl. Dath.

عَطْف *Wadi-bend,* here a proper name.

سرح *Go out to work in* (على). Gl. Dath.

غلب (على) Gl. Dath. *enlever, refuser.*

قفا (على) *Reject, disregard.* Gl. Dath. *injurier.* See *infra.*

يَا No one could explain this word exactly. Some said it was superfluous (zā'idah). It occurs again, also in the taḳwā and in the da'wā of the second set of documents. It may perhaps be a simple introductory particle. One says يا خَمْسَه باشْ *either five or six.* It may have the sense of *as for, concerning,* and might be connected with the Class إِيتَا.

اصاب *To have a claim against, accuse, make responsible for.*

يوش باش One says, باش المال, i.e. تهيه, cf. Gl. Dath.

يَعِين عان *To aid, assist.* This looks like a derivative from Stem IV of عون, with the disappearance of hamzah, as in case of اصاب, reported by Landberg, and *infra.*

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بالحال i.e. بالاحال *Burdens, responsibilities.*

عِبْرَه *Trial, example.*

جَايِر *Heavy, great,* according to my informants, but perhaps *cruel,* in accordance with Gl. Dath., would be better. See also Lane.

اتقى One says فلان اتقا *so and so prepared to defend himself against an accusation.* تَقْوَى *A defence.*

سَارِح *Eligible, having the right, in a position to* . . . So my informants ; but it may be used here in the sense simply of *being, becoming.*

تعصَّم *To receive a share* (عاصة Syn. حِصَّه, cf. text, *infra*).

حَرْث *Cultivation.* Gl. Dath., etc.

جِيْز *Like.* Gl. Dath., etc.

قِسْم pl. قُسُوم *One who gets a dividend, share-holder.*

يَبَوْن from يِبَا, Syn. بَنَى.

عَشَّر *To give a reason for offence.* Cf. Gl. Dath.

لزَّم *To make responsible.* Allied senses in Gl. Dath.

لَشْرَف i.e. الاشرف.

(*To be continued.*)

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